

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JACOB HAFTER,

Plaintiff,

v.

ROB BARE, DAVID A. CLARK, GLENN
MACHADO, and PHIL PATTEE,

Defendants.

2:10-CV-00553-PMP-LRL

ORDER

Before the Court for consideration is Plaintiff Jacob Hafter's Emergency Motion for Reconsideration (Doc. #27), filed on June 1, 2010. Defendants filed an Opposition (Doc. #29) on June 28, 2010. Plaintiff filed a Reply (Doc. #30) that same day.

This Court previously denied Plaintiff Hafter's motion for temporary injunctive relief which sought to restrain Defendants from continuing their investigation and prosecution of State Bar of Nevada Grievance File No. N10-18-1227. (Order (Doc. #24).) Hafter now moves to reconsider, arguing new facts support his request for a temporary restraining order. Specifically, Hafter contends a screening panel decided to discipline Hafter. Additionally, the Nevada Supreme Court denied Hafter's request for emergency relief.¹

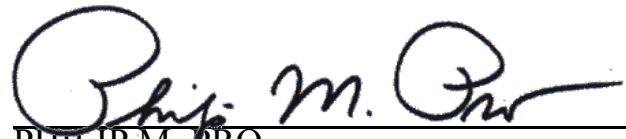
¹ Hafter also argues new law supports his motion, citing to Simpson Strong-Tie Co., Inc. v. Gore, 230 P.3d 1117 (Cal. 2010). This California case is non-binding authority, and, in any event, the Court already has evaluated Hafter's request for a temporary restraining order as if his press release

1 To obtain a restraining order under Federal Rule of Civil Procedure 65, Plaintiff
 2 Hafter must show by a preponderance of the evidence that he has (1) a strong likelihood of
 3 success on the merits; (2) there is the possibility of irreparable injury to Plaintiff if
 4 injunctive relief is not granted; (3) a balance of hardships favors Plaintiff; and (4) the
 5 injunctive relief requested advances the public interest. Textile Unlimited Inc., v. A..BMH
 6 & Co., Inc., 240 F.3d 781,786 (9th Cir. 2001). Applying the foregoing factors, the Court
 7 concludes Plaintiff Hafter's Emergency Motion for Reconsideration must be denied.

8 The new facts do not alter this Court's prior conclusion that Hafter has not shown
 9 a likelihood of success on the merits. As the Court stated in its prior Order, "even if the
 10 statements are core political speech, Nevada has a compelling interest in governing the
 11 conduct of attorneys in the state." (Order at 7.) Additionally, Nevada's disciplinary process
 12 is narrowly tailored to serve its interests in investigating and potentially disciplining
 13 allegedly false statements made by an attorney. The Nevada State Bar has completed its
 14 investigation and has decided to take some form of disciplinary action against Hafter.
 15 Hafter now has available to him the full procedural protections of the Nevada disciplinary
 16 process. Additionally, the irreparable injury Hafter may suffer is dramatically reduced, as
 17 Hafter failed to win the primary election. Further, as set forth in this Court's prior Order,
 18 the balance of hardships and public interest do not weigh in favor of granting a temporary
 19 restraining order. (Id. at 8-9.)

20 IT IS THEREFORE ORDERED that Plaintiff Jacob Hafter's Emergency Motion
 21 for Reconsideration (Doc. #27) is hereby DENIED.

22 DATED: June 30, 2010

23 
 24 PHILIP M. PRO
 United States District Judge

25 _____
 26 was core political speech. (Order (Doc. #24) at 7-8.)